

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

**FUZZYSHARP TECHNOLOGIES
INCORPORATED,**

Plaintiff,

v.

**NVIDIA CORPORATION, DELL INC.,
SONY ELECTRONICS INC., SONY
COMPUTER ENTERTAINMENT
AMERICA INC., and MATROX
GRAPHICS INC.,**

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, FuzzySharp Technologies Incorporated ("FST"), complains of Defendants, NVIDIA Corporation ("NVIDIA"), Dell Inc. ("Dell"), Sony Electronics Inc. ("Sony Electronics"), Sony Computer Entertainment America Inc. ("Sony Computer"), and Matrox Graphics Inc. ("Matrox") (collectively, "Defendants"), as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).
2. Plaintiff FST is a Nevada corporation.
3. FST owns and has standing to sue for infringement of United States Patent No. 6,172,679 ("the '679 Patent"), entitled "Visibility Calculations for 3D Computer Graphics," which issued January 9, 2001, and United States Patent No. 6,618,047 ("the '047 Patent"),

entitled "Visibility Calculations for 3D Computer Graphics," which issued September 9, 2003. Copies of the '679 and '047 Patents are attached hereto as Exhibits A and B, respectively.

4. The '679 and '047 Patents claim priority to U.S. Patent Application No. 08/182,096, which was filed as Application No. PCT/AU92/00302 on June 19, 1992.

5. NVIDIA is a Delaware corporation having a place of business at 2701 San Tomas Expressway, Santa Clara, California 95050.

6. This Court has personal jurisdiction over NVIDIA because, among other things, NVIDIA transacts business directly and/or through third parties in this judicial district by selling or offering to sell products that perform each and every step of one or more of the method claims of both the '679 and '047 Patents. NVIDIA has specifically committed acts of infringement in this judicial district. Further, NVIDIA has availed itself of the laws of this jurisdiction by having incorporated in Delaware.

7. Dell is a Delaware corporation having a place of business at 1 Dell Way, Round Rock, Texas 78682.

8. This Court has personal jurisdiction over Dell because, among other things, Dell transacts business directly and/or through third parties in this judicial district by selling or offering to sell products that perform each and every step of one or more of the method claims of both the '679 and '047 Patents. Dell has specifically committed acts of infringement in this judicial district. Further, Dell has availed itself of the laws of this jurisdiction by having incorporated in Delaware.

9. Sony Electronics is a Delaware corporation having a place of business at 16530 Via Esprillo, San Diego, California 92127.

10. This Court has personal jurisdiction over Sony Electronics because, among other things, Sony Electronics transacts business directly and/or through third parties in this judicial district by selling or offering to sell products that perform each and every step of one or more of the method claims of both the '679 and '047 Patents. Sony Electronics has specifically committed acts of infringement in this judicial district. Further, Sony Electronics has availed itself of the laws of this jurisdiction by having incorporated in Delaware.

11. Sony Computer is a Delaware corporation having a place of business at 919 East Hillsdale Boulevard, 2nd Floor, Legal Department, Foster City, California 94404.

12. This Court has personal jurisdiction over Sony Computer because, among other things, Sony Computer transacts business directly and/or through third parties in this judicial district by selling or offering to sell products that perform each and every step of one or more of the method claims of both the '679 and '047 Patents. Sony Computer has specifically committed acts of infringement in this judicial district. Further, Sony Computer has availed itself of the laws of this jurisdiction by having incorporated in Delaware.

13. Matrox is a Canadian corporation having a place of business at 1055 Boul Saint-Regis, Dorval, Quebec H9P 2T4, Canada.

14. This Court has personal jurisdiction over Matrox because, among other things, Matrox transacts business directly and/or through third parties in this judicial district by selling or offering to sell products that perform each and every step of one or more of the method claims of both the '679 and '047 Patents. Matrox has specifically committed acts of infringement in this judicial district.

15. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

PATENT INFRINGEMENT

Count I: Infringement of the '679 Patent

16. FST incorporates by reference herein each and every allegation contained in the paragraphs above as though fully set forth here.

17. NVIDIA manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the '679 Patent, including without limitation NVIDIA Graphic Processing Units ("GPUs") and related technology that perform occlusion culling during the computer graphics rendering process.

18. Dell manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the '679 Patent, including without limitation computers that include NVIDIA GPUs and related technology that perform occlusion culling during the computer graphics rendering process.

19. Sony Electronics manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the '679 Patent, including without limitation computers that include NVIDIA GPUs and related technology that perform occlusion culling during the computer graphics rendering process.

20. Sony Computer manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the '679 Patent, including without limitation video game consoles that include technology that performs occlusion culling during the computer graphics rendering process.

21. Matrox manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the '679 Patent, including without limitation GPUs and related technology that perform occlusion culling during the computer graphics rendering process.

22. Defendants, through the activities and products listed and described in the paragraphs above, have infringed and are directly infringing the '679 Patent in violation of 35 U.S.C. § 271.

23. By reason of Defendants' infringement of the '679 Patent, FST has suffered, and will continue to suffer, substantial damages in an amount yet to be determined.

Count II: Infringement of the '047 Patent

24. FST incorporates by reference herein each and every allegation contained in the paragraphs above as though fully set forth here.

25. NVIDIA manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the '047 Patent, including without limitation NVIDIA Graphic

Processing Units (“GPUs”) and related technology that perform occlusion culling during the computer graphics rendering process.

26. Dell manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the ‘047 Patent, including without limitation computers that include NVIDIA GPUs and related technology that perform occlusion culling during the computer graphics rendering process.

27. Sony Electronics manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the ‘047 Patent, including without limitation computers that include NVIDIA GPUs and related technology that perform occlusion culling during the computer graphics rendering process.

28. Sony Computer manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly, one or more claims of the ‘047 Patent, including without limitation video game consoles that include technology that performs occlusion culling during the computer graphics rendering process.

29. Matrox manufactures, uses, sells and offers to sell, and/or imports into the United States for subsequent use and sale products that infringe, directly and/or indirectly, or which employ systems or components that make use of systems that infringe, directly and/or indirectly,

one or more claims of the '047 Patent, including without limitation GPUs and related technology that perform occlusion culling during the computer graphics rendering process.

30. Defendants, through the activities and products listed and described in the paragraphs above, have infringed and are directly infringing the '047 Patent in violation of 35 U.S.C. § 271.

31. By reason of Defendants' infringement of the '047 Patent, FST has suffered, and will continue to suffer, substantial damages in an amount yet to be determined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff FST respectfully requests that this Court enter judgment against each of the Defendants, individually and jointly, and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:


- A. The entry of judgment in favor of Plaintiff, and against each of the Defendants;
- B. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, together with prejudgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. A permanent injunction prohibiting further infringement of the '679 and '047 Patents; and,
- D. Such other relief that Plaintiff is entitled to under law and any other, and further relief that this Court or a jury may deem just and proper.

Jury Demand

Plaintiff demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

Dated: November 16, 2009



John C. Phillips, Jr., Esquire (#110)
Brian E. Farnan, Esquire (#4089)
PHILLIPS, GOLDMAN & SPENCE, P.A.
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200

and

Raymond P. Niro (to apply for admission *pro hac vice*)
rniro@nshn.com
Matthew G. McAndrews (to apply for
admission *pro hac vice*)
mmcandrews@nshn.com
Lee F. Grossman (to apply for admission *pro hac vice*)
lgrossman@nshn.com
Niro, Scavone, Haller & Niro
181 West Madison, Suite 4600
Chicago, Illinois 60602

Phone: (312) 236-0733
Facsimile: (312) 236-3137

Attorneys for Plaintiff
FuzzySharp Technologies Incorporated